

Application No. 10/511,505

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Docket No.: 62302(70403)

Amendment dated January 15, 2009

In Response to Advisory Action dated December 22, 2009 and After Final Office Action of October 15, 2008

**REMARKS**

Claims 38-61 are pending in the instant application. Claims 38, 39, 41-43, 52, 56, and 59-60 are amended. Support for these amendments can be found throughout the specification and in the original claims of the application, including at page 3, lines 34-36; page 5, lines 23-25 of the specification as filed. No new matter is introduced. Claim 40 is cancelled without prejudice. Applicants further request reconsideration of the subject application based on the following remarks.

Amendment of any claim herein is not to be construed as acquiescence to any of the rejections/objections set forth in the instant Office Action, and was done solely to expedite prosecution of the application. Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter.

**Rejection under 35 U.S.C. § 102(b)**

Claims 38-45, 47-49, 56-58 and 61 are variously rejected as allegedly anticipated by WO 96/03768 ("*Vestal et al.*"). Applicants traverse.

The Examiner alleges that *Vestal et al.* discloses the use of an "appropriate matrix" on page 1 in the Background of the Invention. Applicants disagree. What the *Vestal et al.* background of the invention discloses is the use of a "solution containing an appropriate matrix". Furthermore, on page 10, lines 5 to 10, of *Vestal et al.* it is disclosed that "...valve means 42 for controllably adding an appropriate solution of matrix from containers 44 to each sample...". Thus, it is clear that *Vestal et al.* is only concerned with a solution of a matrix to be added to a sample prior to analysis. In contrast, the claimed subject matter (as amended) of the instant application requires that the inert collection matrix is solid and the sample is adsorbed/absorbed onto or into that matrix. Referring to page 21 of the instant application, it is specifically recited that the inert matrix must be robust and capable of transportation over long distances without fragmentation and it must also exhibit high wettability while retaining its integrity.

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Accordingly, claims 38 and 39 (as amended) recite that a sample is adsorbed or absorbed onto or into a solid inert collection matrix. As such, Applicants submit that Vestal *et al.* does not recite each and every element of Applicants' claimed subject matter (e.g., a step for adsorbing/absorbing a sample onto or into a solid inert collection matrix), and therefore is not anticipatory of Applicants' claimed subject matter. For at least the above reasoning, Applicants respectfully request that the rejection be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claim 46 is rejected as allegedly rendered obvious in view of Vestal *et al.* in view of Burkhanova. Claims 50-51 are rejected as allegedly rendered obvious in view of Vestal *et al.* in view of Hillenkamp. Claims 52-55 and 59-60 are rejected as allegedly rendered obvious in view of Vestal *et al.* Applicants traverse each rejection.

For reasons including those delineated above, Applicants submit that Vestal *et al.*, does not teach or suggest each and every element of Applicants' claimed (as amended) subject matter (e.g., a step for adsorbing/absorbing a sample onto or into a solid inert collection matrix), and therefore does not render obvious Applicants' claimed subject matter. Moreover, neither Burkhanova nor Hillenkamp teach or suggest elements of Applicants' claimed subject matter (as amended herewith) that Vestal *et al.* fail to teach (e.g., a step for adsorbing/absorbing a sample onto or into a solid inert collection matrix). Applicants' submit that Vestal *et al.*, either alone or in combination with either Burkhanova or Hillenkamp, does not establish a *prima facie* case of obviousness as it (and they in combination) fail to teach or suggest each and every claim element of Applicants' instant claims. As such, Applicants respectfully request that the rejections be withdrawn.

In view of the above remarks, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

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The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 62302(70403).

Dated: January 15, 2009

Respectfully submitted,

By

  
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